

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

A BETTER WAY FOR BPA,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
ENERGY BONNEVILLE POWER
ADMINISTRATION,

Defendant.

CASE NO. C15-5896 RBL

ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS

DKT. #7

THIS MATTER is before the Court on Defendant Bonneville Power Administration's Motion to Dismiss [Dkt. #7]. BPA argues Plaintiff A Better Way lacks standing to pursue this FOIA challenge where the records requester (Cheryl Brantley) did not indicate her request was made on A Better Way's behalf. A Better Way argues that Brantley submitted its request and noted her affiliation with the non-profit corporation. It claims that it has standing to sue. At issue is whether Brantley adequately notified BPA that she was making a request on A Better Way's behalf.

Brantley submitted the FOIA request using BPA's online form. She entered her name into the mandatory "Name" box and entered "A Better Way for BPA" in the optional

1 “Organization” box. *See* Dkt. 8-1. She identified herself as “an individual seeking information
2 for personal use,” rather than as an individual “affiliated with a private corporation and seeking
3 information for the use in the company’s business.” *See id.* Brantley did not provide any other
4 information about A Better Way or any information about her relationship with it.

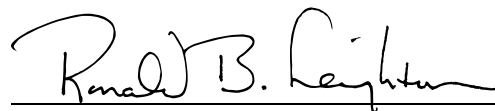
5 Any person whose request for existing documents is denied by a federal agency has
6 standing to bring a FOIA challenge. *See* 5 U.S.C. § 552(a)(3). An attorney or agent filing a
7 request for a corporation must clearly indicate that the request is being made on the corporation’s
8 behalf. *See McDonnell v. United States*, 4 F.3d 1227, 1237 (3rd Cir. 1993); *see also Three Forks*
9 *Ranch Corp. v. The Bureau of Land Mgmt.*, 358 F.Supp.2d 1, 3 (D.C.C. 2005); *SAE Productions,*
10 *Inc. v. Fed. Bureau of Investigation*, 589 F.Supp.2d 76, 80 (D.C.C. 2008).

11 Brantley offered no indication that she had the power to act as A Better Way’s agent, and
12 she did not state that her request was made on A Better Way’s behalf. Her passing mention of the
13 “organization” did not adequately identify that organization as the requester. *See Three Forks*,
14 358 F.Supp.2d at 3 (“It is unreasonable to expect overburdened FOIA administrators to interpret
15 whether a request is being made by the individual writing the request letter, by someone else
16 mentioned in the letter, or both.”). A Better Way therefore lacks standing.

17 BPA’s Motion to Dismiss [Dkt. #7] is GRANTED, and A Better Way’s claims are
18 DISMISSED with prejudice.

19 IT IS SO ORDERED.

20 Dated this 21st day of March, 2016.

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23 Ronald B. Leighton
24 United States District Judge